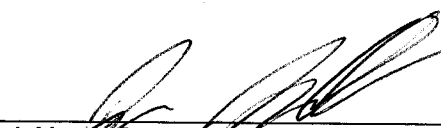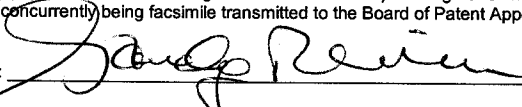| TRANSMITTAL OF APPEAL BRIEF	Docket No. 283108007US

In re Application of: Berkun et al. – Appeal No. 2007-2398

Application No. 09/876,943-Conf. #9074	Filing Date June 8, 2001	Examiner G. C. Bengzon	Group Art Unit 2144

Invention: INTERPRETIVE STREAM METADATA EXTRACTION

TO THE COMMISSIONER OF PATENTS:

Transmitted herewith is an updated Appeal Brief in this application, with respect to the Notice of Appeal filed: ___April 20, 2006___ .

The fee for filing the Appeal Brief was transmitted to the US Patent Office on August 21, 2006.

[X] Large Entity   [ ] Small Entity

[ ] A petition for extension of time is also enclosed.

The fee for the extension of time is _____ .

[ ] A check in the amount of _____ is enclosed.

[ ] Charge the amount of the fee to Deposit Account No. ___50-0665___ .
This sheet is submitted in duplicate.

[ ] Payment by credit card. Form PTO-2038 is attached.

[X] The Director is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. ___50-0665___ .

Dated: ___July 27, 2007___

J. Mason Boswell
Attorney Reg. No. : 58,388
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	
Berkun et al.	Appeal No.: 2007-2398
Application No.: 09/876,943	Confirmation No.: 9074
Filed: June 8, 2001	Art Unit: 2144
For: INTERPRETIVE STREAM METADATA EXTRACTION	Examiner: G. C. Bengzon

APPEAL BRIEF (UPDATED)

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As required under 37 C.F.R. § 41.37(a), this brief is in furtherance of the Notice of Appeal in this application filed on April 20, 2006. The fees required under 37 C.F.R. § 41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37. The complete Table of Contents follows.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is America Online, Inc. of Dulles, Virginia.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

Applicant, applicant's legal representative, and the assignee are not aware of any prior or pending appeals, interferences, or judicial proceedings which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF THE CLAIMS[1]

Claims 1-17 are pending in this application. Claims 1-17 stand rejected under 35 U.S.C. § 112, claims 1-3, 5-11, and 13-17 stand rejected under 35 U.S.C. § 102(b) and claims 4 and 12 stand rejected under 35 U.S.C. § 103(a).

Claims 1-17 are the subject of the present appeal.

IV. STATUS OF AMENDMENTS

Applicant has not filed any amendment subsequent to final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A. Overview of the Invention and Prior Art

1. The Invention

Applicant's invention is a search technology that helps users locate media content by improving the metadata associated with various media files accessible via a network such as the Internet. A typical search engine enables a user to locate particular media content that is accessible via a network such as the Internet by typing a search query made up of keywords. The search engine proceeds to identify media files each having metadata--such as artist, title, publisher, release date, format, etc.--that matches keywords in the query. Unfortunately, the metadata associated with media files is often inaccurate, leading to less helpful search results. For example, a search result may contain media

---

[1] The pending claims are listed in the Claims Appendix.

files that do not relate to the query where metadata matching the keywords of the query was erroneously associated with these media files. On the other hand, a search result may omit media files that do relate to the query where metadata matching the keywords of the query was not associated with these media files.

Applicant's technology improves the media search experience by correcting metadata associated with a particular media file using information from an authoritative metadata source. One type of authoritative source is an Internet database that provides information about audio files. For example, several companies offer Internet databases of song and album information for Compact Discs. When Applicant's technology finds a media file that comes from a recognized Compact Disc, for example, Applicant's technology may (1) add metadata to the media file that is available from the authoritative source, but missing from the media file and (2) correct metadata from the media file that is different from that available from the authoritative source. Similar authoritative sources exist for other types of media content, such as the Internet Move Database (www.imdb.com) for movies. Applicant's technology ensures that media files have as much metadata as is available and that the metadata associated with various instances of a media file are correct. In this way, Applicant's technology improves search results for media files by improving the likelihood of finding relevant content and by identifying duplicates in the search results.

2.   The Srivastava Reference

Srivastava describes a system for creating an annotation database for media files. The system in Srivastava first gathers metadata information from the media itself, then turns to auxiliary metadata sources such as look-up services available on the Internet. Srivastava only gathers a piece of information from auxiliary sources if the information cannot be extracted from the media itself. (Srivastava, col. 5:13-14). Srivastava provides predefined set of elements of metadata to look for, which a user can modify. (Srivastava, col. 6:16-18). Once Srivastava gathers the metadata from all of the available sources, Srivastava places the metadata into a common XML format and stores it in a database.

Srivastava does not describe modifying the metadata stored on a media file, or using an authoritative source of metadata to correct metadata associated with a media file.

3.   The Chu Reference

Chu is directed to detecting changes to metadata in a knowledge management system and keeping the metadata in a central information catalog up to date. Chu describes allowing the user to set a schedule on which to synchronize changes to metadata between a user's system and the information catalog. (Chu col. 7:60-61). Where multiple users are modifying the same file, the system in Chu always accepts the latest changes to any metadata as the valid set (Chu col. 7:55-59). Chu does not teach determining if a media file is unavailable or corrupt. Determining that one set of metadata is newer than another is not the same as detecting that the media itself is unavailable or corrupt. Chu also does not describe using an authoritative source of metadata to correct metadata extracted associated with a media file.

B.   Independent Claims

The rejected independent claims are directed generally to parsing metadata associated with media into fields, comparing the contents of the fields of the metadata with those available from an authoritative source, and modifying the fields of metadata that do not match those available from the authoritative source. The independent claims are described as follows:

1.   Claim 1

Claim 1 describes a computer-based method for enhancing metadata associated with media on a communications network. *See, e.g.,* Specification, p.6:1-3. The method parses the metadata associated with the media into at least one field of metadata. *See, e.g.,* Specification, p.10:16-23. Then, the method compares the contents of each field of metadata, called a compared field, with the contents of at least one field of metadata from an authoritative source. *See, e.g.,* Specification, p.15:24-26. Finally, the method modifies the metadata if the compared field contents do not match the contents of at least one field of authoritative metadata. *See, e.g.,* Specification, p.17:1-12.

2.   Claim 9

Claim 9 describes a computer system for enhancing metadata associated with media on a computer network. *See, e.g.,* Specification, p.6:1-3. The computer system contains at least one computer, and all of the computers in the system are connected. *See, e.g.,* Specification, p.9:17-20. Each computer contains at least one program for allowing communication with the other computers of the computer system. *See, e.g.,* Specification, p.9:20-25. The program causes at least one computer to parse the metadata associated with the media into at least one field of metadata. *See, e.g.,* Specification, p.10:16-23. Then the program compares the contents of each field of metadata, called a compared field, with contents of at least one field of metadata from an authoritative source. *See, e.g.,* Specification, p.15:24-26. Finally, the program modifies the metadata if the compared field contents do not match the contents of at least one field authoritative metadata. *See, e.g.,* Specification, p.17:1-12.

3.   Claim 10

Claim 10 describes a program-readable medium containing a program for causing a processor to enhance metadata associated with media on a communications network. *See, e.g.,* Specification, p.6:1-3. The program-readable medium contains a means for causing the processor to parse the metadata associated with the media into at least one field of metadata. *See, e.g.,* Specification, p.9:20-25, p.10:16-23. The program-readable medium also contains a means for causing the processor to compare contents of each of the at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field. *See, e.g.,* Specification, p.15:24-26. Finally, the program-readable medium contains a means for causing the processor to modify the metadata if the compared field contents do not match contents of at least one field of authoritative metadata. *See, e.g.,* Specification, p.17:1-12.

4.   Claim 11

Claim 11 describes a data signal embodied in a carrier wave. The data signal contains a parse metadata code segment for parsing metadata associated with media on a

communications network into at least one field of metadata. *See, e.g.,* Specification, p.9:20-25, p.10:16-23. The data signal also contains a compare field code segment for comparing contents of each of the at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field. *See, e.g.,* Specification, p.15:24-26. Finally, the data signal contains a modify metadata code segment for modifying the metadata if the compared field contents do not match contents of at least one field of authoritative metadata. *See, e.g.,* Specification, p.17:1-12.

VI.   GROUNDS OF REJECTION TO BE REVIEWED

A.   The Examiner's Rejections

The Examiner has rejected all of the pending claims on the following bases:

1.   The Examiner has rejected claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant claims as the invention. The Examiner indicates that the specification does not provide sufficient guidance on the meaning and characteristics of "authoritative metadata" from an "authoritative source."

2.   The Examiner has rejected claims 1-3, 5-11, and 13-17 under 35 U.S.C. § 102(b) over U.S. Patent No. 6,549,922 issued to Srivastava et al. ("Srivastava").

3.   The Examiner has rejected claims 4 and 12 under 35 U.S.C. § 103(a) over Srivastava in view of U.S. Patent No. 6,943,720 issued to Chu et al. ("Chu").

B.   Issues

The issues on appeal, and the specific pending claims to which each relates, are:

1.   Whether the terms "authoritative metadata" and "authoritative source" as used in applicant's claims have a well-defined meaning. The decision on this issue impacts all pending claims on appeal: 1-17.

2.   Whether Srivastava discloses modifying metadata associated with media if the contents of a field of metadata do not match the contents of at least one field of authoritative metadata. The decision on this issue impacts claims 1-3, 5-11, and 13-17.

3.   Whether the combination of Srivastava and Chu discloses modifying metadata associated with media if the contents of a field of metadata do not match the contents of at least one field of authoritative metadata. The decision on this issue impacts claims 4 and 12.

4.   Whether the combination of Srivastava and Chu discloses determining if a media file is unavailable or corrupt. The decision on this issue impacts claims 4 and 12.

VII.   ARGUMENTS
        A.   Rejection Under 35 U.S.C. § 112, Second Paragraph
                1.   Legal Standards for Indefiniteness
All the claims are rejected under 35 U.S.C. § 112, second paragraph, which states that:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the application regards as his invention.

To determine if a claim term is indefinite, "[t]he reviewing tribunal must determine whether a person experienced in the field of the invention would understand the scope of the claim when read in light of the specification." *Energizer Holdings, Inc. v. International Trade Com'n*, 435 F.3d 1366, 77 U.S.P.Q.2d 1625 (Fed. Cir. 2006). The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. § 112, second paragraph. *Seattle Box Co., v. Industrial Crating & Packing, Inc.*, 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984). *See also Bancorp Servs., L.L.C. v. Hartford Life Ins. Co.*, 359 F.3d 1367, 1371 (Fed.Cir.2004) ("We have held that a claim is not indefinite merely because it poses a difficult issue of claim construction;

if the claim is subject to construction, i.e., it is not insolubly ambiguous, it is not invalid for indefiniteness.").

2.   The Terms "Authoritative Metadata" and "Authoritative Source" As Used In Applicant's Claims Are Well-Defined

The Examiner believes that the terms "authoritative metadata" and "authoritative source" do not have a well-defined meaning or characteristics. Applicant respectfully disagrees. The term "authoritative" as used by applicant is a term commonly used by those skilled in the art, and indicates that metadata comes from a source regarded as having a high level of accuracy. The specification supports this usage in several locations. For example, when discussing correction of a song title, the specification uses the term "authoritative" synonymously with "valid" to indicate the validity of metadata, "the database comprises valid or authoritative metadata." (Specification, p.17:6-7). The specification earlier describes valid, or authoritative, metadata as having the characteristics of being accurate, "[Metadata is] compared with fields in known databases (step 64), and replaced (step 65) with accurate metadata obtained from a valid (ground truth) database. (Specification, p.15:36-p.16:1). Such a database is one example of an "authoritative source." The specification describes these databases as those "whose accuracy is known (ground truth databases)." (Specification, p.16:3). The specification contrasts accurate metadata with noisy metadata, "[n]oisy fields are corrected and/or replaced with accurate data (step 65)." (Specification, p.16:5-6).

In addition, the American Heritage College Dictionary, 4th Edition[2], for example, defines "authoritative" as, "[k]nown to be accurate or excellent; highly reliable." Applicant's usage of this adjective to describe metadata and sources of metadata in the claims is consistent with the term's ordinary meaning. As such, a person skilled in the art would clearly understand the scope of the claims, which all use the terms "authoritative metadata" and "authoritative source." Thus, the claims are not indefinite.

---

[2] The applicable pages are copied in the Evidence Appendix.

3.   Claims 1-17 Are Not Indefinite

Claim 1 recites "comparing contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field." The plain language of this claim indicates that the compared field is compared with "authoritative metadata" because the "authoritative metadata" comes from an "authoritative source" and thus is believed to be more accurate and reliable than the compared metadata. The following claim element recites modifying the metadata in accordance with the metadata from the "authoritative source." Moreover, the language in the specification cited above is consistent and indicates that metadata from an authoritative source is known to be accurate. Finally, the dictionary meaning cited above provides further support that the term is well defined in the art.

Each of the claims uses the term "authoritative" similarly to describe metadata and sources of metadata. Claim 9 recites "comparing contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field." Claim 10 recites "means for causing said processor to compare contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field." Claim 11 recites "a compare field code segment for comparing contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field." Therefore, applicant respectfully submits that the terms "authoritative metadata" and "authoritative source" have well-understood meanings and respectfully seeks the reversal of this rejection.

B.   Rejections Under 35 U.S.C. § 102(b)

    1.   Legal Standards for Anticipation

Claims 1-3, 5-11, and 13-17 on appeal stand rejected as anticipated under 35 U.S.C. § 102(b). 35 U.S.C. § 102(b) provides:

A person shall be entitled to a patent unless—

(b)   the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

Anticipation requires that each claim element must be identical to a corresponding element in the applied reference. *Glaverbel Société Anonyme v. Northlake Mktg. & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995). Indeed, the failure to mention "a claimed element (in) a prior art reference is enough to negate anticipation by that reference." *Atlas Powder Co. v. E.I. duPont De Nemours*, 750 F.2d 1569, 1574 (1984). To establish a *prima facie* case of anticipation, the Examiner must identify where "each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1462 (Bd. Pat. App. & Interf. 1990).

    2.   Srivastava does not disclose modifying metadata associated with
        media if the contents of a field of metadata do not match the contents
        of at least one field of authoritative metadata

Applicant's technology compares metadata associated with media with authoritative metadata from an authoritative source to modify the metadata associated with the media to match the authoritative metadata.   Srivastava teaches neither modifying metadata associated with media at all, nor comparing metadata associated with media with authoritative metadata from an authoritative source or otherwise looking to auxiliary sources of metadata when the metadata is available from the media.   The Examiner characterizes Srivastava as disclosing these elements. Office Action, October 20, 2005, p. 3. The Examiner is mistaken. Srivastava only discloses gathering metadata associated with media to a centralized source, and only discloses referring to auxiliary sources when the metadata is not available from the media itself.

Srivastava has no teaching of modifying metadata associated with media. Srivastava simply extracts the metadata from the media and stores it in a database. Srivastava explains that:

> A metadata extractor 111 parses the file of media data 113 to extract metadata embedded within the file 113...The formatter 119 converts the collected and generated metadata, including any summary data from the generator 121, into a standard data format, preferably the eXtended Markup Language (XML), which may then be mapped at 123 into a corresponding database schema and uploaded into the database shown at 125.

Srivastava, 2:46-65. Although Srivastava may also gather metadata from auxiliary sources, it does so only when the metadata is not available from the file itself, "[a]uxiliary metadata sources provide the information which is not obtainable by processing the media itself." Srivastava, 5:13-14. In order to be compared, the metadata must always be gathered from two sources. Therefore, Srivastava does not compare metadata fields in the way that applicant's technology describes.

Thus, the Examiner has not identified any prior art reference that discloses modifying metadata associated with media at all or looking to auxiliary sources of metadata when the metadata is available from the media.

3. The Rejection of Claims 1-17 as Being Anticipated by Srivastava is Improper

Claim 1 recites "comparing contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source" and "modifying said metadata if said compared field contents do not match the contents of at least one field of authoritative metadata." As discussed above, Srivastava fails to disclose modifying metadata in general and specifically does not compare each field of metadata associated with media to modify those fields that do not match as recited by this claim. Independent claims 9, 10, and 11 contain similar elements. Therefore, the Examiner has failed to provide a reference that discloses every element of applicant's claims. Accordingly, Appellants respectfully seek the reversal of this rejection.

C.   Rejections Under 35 U.S.C. § 103(a)

    1.   Legal Standards for Obviousness

Claims 4 and 12 on appeal stand rejected as obvious under 35 U.S.C. § 103(a). 35 U.S.C. § 103(a) provides:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The Supreme Court in *Graham v. John Deere Co.*, 383 U.S. 1, 17-18, 148 U.S.P.Q. 459 (1966), stated:

> Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.   Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.   As indicia of obviousness or nonobviousness, these inquires may have relevancy.

The recent Supreme Court decision in *KSR Int'l v. Teleflex, Inc.*, 550 U.S. ___ (2007) reaffirmed the holdings of *Graham*, and clarified several aspects of the manner in which obviousness should be determined. *KSR*, p. 11. First, "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results," but "when the prior art teaches away from combining certain elements, discovery of a successful means of combining them is more likely to be nonobvious." *KSR*, p. 12. Second, "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art," rather, "it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed

new invention does." *KSR*, p. 14-15.   The Court recognizes that many significant advances will combine familiar elements: "inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." *KSR*, p. 15.

Following the decision in *KSR*, the USPTO issued a memorandum to all Examiners. The memorandum directs Examiners to continue to determine why a person of ordinary skill in the art would make the combination, "in formulating a rejection under 35 U.S.C. 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." "Supreme Court descision on *KSR Int'l v. Teleflex, Inc.*," May 3, 2007, p. 2.

Under these standards, applicant's invention would not have been obvious.   The Examiner has not identified prior art references, or a combination thereof, that disclose all the elements of the pending claims.   Therefore, the pending claims should be allowed.

> 2.   <u>Discussion of Issues</u>
>
> a.   <u>The combination of Srivastava and Chu does not disclose modifying metadata associated with media if the contents of a field of metadata do not match the contents of at least one field of authoritative metadata</u>

As discussed above, Srivastava fails to disclose modifying metadata associated with media or looking to auxiliary sources of metadata when the metadata is available from the media.   Chu is unable to provide the missing teaching.   The Examiner relies upon Chu for teaching "determining if a media file is unavailable or corrupt."   Office Action, October 20, 2005, p.7.   Chu does not teach modifying data associated with a media file based on metadata obtained from an authoritative source.   Rather, Chu describes copying metadata from a file to a central repository so that users of a knowledge management system can search for files based on the most up to date information in an environment where users are routinely modifying the files and associated metadata.   Chu performs a process that is opposite to applicant's.   Applicant's technology modifies metadata associated with a media

file to conform to metadata from an authoritative source, whereas Chu modifies a central database of metadata to conform to metadata associated with a file modified by its author. In Chu, the metadata content of the file is considered the most accurate because the content author has changed it, and the central database is a mechanism of copying the metadata for sharing with other users. Chu also does not teach gathering metadata from auxiliary sources other than the file that the metadata describes. Therefore, neither Srivastava nor Chu teach or suggest modifying metadata associated with media or looking to auxiliary sources of metadata when the metadata is available from the media.

> b. The combination of Srivastava and Chu does not disclose determining if a media file is unavailable or corrupt

The Examiner relies upon Chu for teaching "determining if a media file is unavailable or corrupt." Office Action, October 20, 2005, p.7. However, the Examiner is mistaken. Chu does not teach determining if a media file is unavailable or corrupt. In some embodiments, applicant's technology determines if a media file for which metadata is to be compared with authoritative metadata is unavailable or corrupt, and if so schedules the comparison for a later time. Applicant can find no teaching or suggestion within Chu of determining if a media file is unavailable or corrupt, or of performing any action as a result of such a determination. The portion of Chu cited by the Examiner discusses a scheduled process within Chu that periodically checks for changes in the metadata of a file, and if the metadata has changed, the process synchronizes the metadata with a central repository of metadata. There is no suggestion in Chu that the metadata or file could be unavailable or corrupt, or of any action to take in response. Therefore, neither Srivastava nor Chu teach or suggest determining if a media file is unavailable or corrupt.

> 3. The Rejection of Claims 4 and 12 over Srivastava and Chu is Improper

Claims 4 recites "if said media file is unavailable or corrupt, performing said step of comparing at a predetermined time in the future." Claim 12 recites "a modify metadata code segment for modifying said metadata if said compared field contents do not match contents of at least one field of authoritative metadata." As discussed above, the
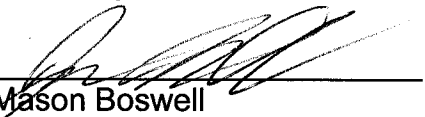
combination of Srivastava and Chu fail to disclose determining if a media file is unavailable or corrupt or performing any action as a results of a such a determination as recited by these claims. Therefore, the Examiner has failed to provide a combination of references that disclose every element of applicant's claims. Accordingly, Appellants respectfully seek the reversal of this rejection.

D.   Conclusion

Applicant's claims are not indefinite and are neither anticipated nor obvious over the references cited by the Examiner. The terms "authoritative metadata" and "authoritative source" have well defined meanings when read in view of the specification, and are widely used in the art. The Srivastava reference teaches or suggests neither modifying the metadata stored on a media file, nor using an authoritative source of metadata to correct metadata associated with from a media file as recited in applicant's claims. In addition, neither Srivastava nor Chu teaches determining if a media file is unavailable or corrupt as recited by some of applicant's claims. Therefore, applicant's claims are allowable over the references cited by the Examiner and the pending rejections should be reversed.

Dated: July 27, 2007

Respectfully submitted,

By_____
J. Mason Boswell
Registration No.: 58,388
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-3265
(206) 359-4265 (Fax)
Attorney for Applicant

CLAIMS APPENDIX

Claims Involved in the Appeal of Application Serial No. 09/876,943

1.   A method for enhancing metadata associated with media on a communications network, said method comprising the steps of:

parsing said metadata associated with said media into at least one field of metadata;

comparing contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field; and

modifying said metadata if said compared field contents do not match the contents of at least one field of authoritative metadata.

2.   A method in accordance with claim 1, wherein said step of modifying said metadata comprise at least one of replacing said compared field with a corresponding field of said authoritative metadata, correcting said compared field in accordance with a corresponding field of said authoritative metadata, and adding at least one field of authoritative metadata to said metadata.

3.   A method in accordance with claim 1, wherein said authoritative metadata is obtained from at least one of a multimedia file, a streaming media file, a uniform resource indicator (URI), a database, a media file header, a media file footer, a metatag, and a transport stream.

4.   A method in accordance with claim 1, further comprising the steps of:

receiving said metadata and corresponding media files, wherein said corresponding media files are formatted in at least one of a plurality of formats;

providing media files formatted in the same format and associated metadata to a

corresponding format specific metadata extractor;

determining if a media file is unavailable or corrupt; and

if said media file is unavailable or corrupt, performing said step of comparing at a

predetermined time in the future.

5.　　A method in accordance with claim 1, wherein said media comprises at least one of an extension selected from the group consisting of .ram, .rm, .rpm, .mov, .qif .wma, .cmr, .avi, .swf, .swl .mpg, .mpa, .mpl, .mp2, .mp3, m3a, and .m3u.

6.　　A method in accordance with claim 1, wherein said metadata comprise elements related to at least one of content of the media, intellectual property rights associated with the media, and instantiation of the media.

7.　　A method in accordance with claim 1, wherein said media comprises at least one of multimedia and streaming media.

8.　　A method in accordance with claim 1, wherein said communications network is a computer network.

9.　　A computer system for enhancing metadata associated with media on a computer network, said computer system comprising at least one computer, all computers in said system being communicatively coupled to each other, wherein each of said at least one computer includes at least one program stored therein for allowing communication between each and every of said at least one computer, each of said at least one program operating in conjunction with one another to cause said at least one computer to perform the steps of:

parsing said metadata associated with said media into at least one field of

metadata;

comparing contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field; and

modifying said metadata if said compared field contents do not match contents of at least one field authoritative metadata.

10.   A program readable medium having embodied thereon a program for causing a processor to enhance metadata associated with media on a communications network, said program readable medium comprising:

means for causing said processor to parse said metadata associated with said media into at least one field of metadata;

means for causing said processor to compare contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field;

means for causing said processor to modify said metadata if said compared field contents do not match contents of at least one field of authoritative metadata.

11.   A computer data signal embodied in a carrier wave comprising:

a parse metadata code segment for parsing metadata associated with media on a communications network into at least one field of metadata;

a compare field code segment for comparing contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field; and

a modify metadata code segment for modifying said metadata if said compared field contents do not match contents of at least one field of authoritative metadata.

12.   A data signal in accordance with claim 11, further comprising:

a receive code segment for receiving said metadata and corresponding media files, wherein said media files are formatted in at least one of a plurality of formats;

a distribute code segment for providing media files formatted in the same format and associated metadata to a corresponding format specific metadata extractor;

a validity code segment for determining if a media file is unavailable or corrupt; and

if said media file is unavailable or corrupt, a reschedule code segment for performing said step of comparing at a predetermined time in the future.

13.   A data signal in accordance with claim 11, wherein said media comprises at least one of an extension selected from the group consisting of .ram, .rm, .rpm, .mov, .qif .wma, .cmr, .avi, .swf, .swl .mpg, .mpa, .mpl, .mp2, .mp3, m3a, and .m3u.

14.   A data signal in accordance with claim 11, wherein said modify metadata code segment performs at least one of replacing said compared field with a corresponding field of said authoritative metadata, correcting said compared field in accordance with a corresponding field of said authoritative metadata, and adding at least one field of authoritative metadata to said metadata.

15.   A data signal in accordance with claim 11, wherein said authoritative metadata is obtained from at least one of a multimedia file, a streaming media file, a uniform resource indicator (URI), a database, a media file header, a media file footer, a metatag, and a transport stream.

16.   A data signal in accordance with claim 11, wherein said metadata comprise elements related to at least one of content of the media, intellectual property rights associated with the media, and instantiation of the media.

17.   A data signal in accordance with claim 11, wherein said media is at least one of streaming media and multimedia files formatted in at least one of a plurality of formats.

EVIDENCE APPENDIX

Following are pages from the <u>American Heritage College Dictionary, 4th Edition</u>, discussed above.

RELATED PROCEEDINGS APPENDIX

Applicant is not aware of any related proceedings at this time.